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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/510,966

08/29/2005

Scott Costa

2725-09305

6148

78091

7590

04/14/2009

Conley Rose, P.C

P.O. Box 3267

Houston, TX 77253-3267

EXAMINER

BOMAR, THOMAS S

ART UNIT

PAPER NUMBER

3676

MAIL DATE

DELIVERY MODE

04/14/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/510,966	<b>Applicant(s)</b> COSTA ET AL.	
	<b>Examiner</b> Shane Bomar	<b>Art Unit</b> 3676	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 December 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 54-112, 116-118 and 120-163 is/are pending in the application.
- 4a) Of the above claim(s) See Continuation Sheet is/are withdrawn from consideration.
- 5) ☒ Claim(s) 129-131, 133, 142-144, 148 and 151-163 is/are allowed.
- 6) ☒ Claim(s) 125-128 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

Continuation of Disposition of Claims: Claims withdrawn from consideration are 54-112,116-118,120-124,132,134-141,145-147,149 and 150.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Newly amended **claims 54 and 121** are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: they correspond to at least the Species VI and/or VIII presented in the restriction requirement mailed on September 18, 2007. The Applicant elected Species I in the reply filed on October 18, 2007.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, **claims 54-108 and 121-124** are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 125-128 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,273,634 of Lohbeck in view of US 6,409,175 of Evans et al.

Regarding claims 125 and 128, Lohbeck teaches a method of radially expanding and plastically deforming a first tubular member 8/18 and a second tubular member 9/19, comprising: coupling an end of the first tubular member with an end of a tubular sleeve 6/16; coupling an end of the second tubular member with another end of the tubular sleeve (Figs. 2 and 3); placing the tubular members within a wellbore; and displacing an expansion device through the interiors of the first and second tubular members to radially expand and plastically deform portions of the first and second tubular members (claim 10). However, it is not specifically

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taught that before, during, and after the radial expansion of the portions of the first and second tubular members, a fluid tight seal is provided by the interface between the tubular sleeve and the ends of the first and second tubular members.

Evans et al teach an expandable flush joint connection similar to that of Lohbeck. It is further taught that a seal 29 is provided within the connection to provide a fluid tight seal before, during, and after the radial expansion (Figs. 7A and 7B). Thus, at the time of the invention, it would have been obvious to one of ordinary skill in the art to try placing the seal of Evans between the interface of the tubular sleeve and the ends of the first and second tubular members of Lohbeck, thus achieving the predictable result of providing a fluid tight seal.

Regarding claim 126, the ends of the first and second tubular members are received within the ends of the tubular sleeve (Fig. 2 of Lohbeck).

Regarding claim 127, the ends of the first and second tubular members receive the ends of the tubular sleeve (Fig. 3 of Lohbeck).

#### ***Allowable Subject Matter***

4. Claims 129-131, 133, 142-144, 148, and 151-163 are allowed.

#### ***Response to Arguments***

5. Applicant's arguments with respect to claim 125 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shane Bomar whose telephone number is (571)272-7026. The examiner can normally be reached on Monday-Thursday from 6:30am to 5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jennifer H. Gay can be reached on 571-272-7029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Shane Bomar/  
Primary Examiner, Art Unit 3676